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Paper No. 3

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In re the patent application of:  
Abad, Mark S., et al.  
Application No.: 09/696,664  
Filed: October 25, 2000  
For: Nucleic Acid Molecules and Other Molecules  
Associated with Plants

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.183, filed October 25, 2000 to waive the requirement of 37 C.F.R. § 1.821(c), for a paper copy of the sequences and accept a copy of the sequences provided on a compact disc.

The petition under 37 C.F.R. § 1.183 to waive the rules in the above noted application is **GRANTED**.

Applicant is given **TWO MONTHS** from the mailing date of this notice to submit the missing parts noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

37 C.F.R. § 1.52 was amended, effective November 7, 2000, to allow the submission of certain information on compact discs in lieu of paper. Any electronic documents submitted in response to this petition decision must comply with 37 C.F.R. § 1.52(e) and 37 C.F.R. § 1.821 *et seq.* See Changes to Implement Patent Business Goals, 65 Fed. Reg. 54603, 54665 and 54681 (September 8, 2000), and 1238 OG 77, 130, 131, 145, and 146 (September 19, 2000).

The compact disc filed on October 25, 2000 is understood to be part of the specification of the application as now permitted by 37 C.F.R. § 1.52. Applicant has not complied with 37 C.F.R. § 1.52(e) and 37 C.F.R. § 1.821(f) because the two compact discs required by 37 C.F.R. § 1.52(e) and the Computer Readable form required by 37 C.F.R. 1.821(f) have not been filed.

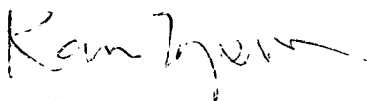
Applicant is required to file a compact disc labeled "copy" which is identical to the originally filed compact disc, and another disc containing sequences in computer readable form labeled "CRF". Applicant is also required to file a statement that the disc filed October 25, 2000 is the same as copy 2 and the sequences filed on the CRF are all the same. An amendment to the specification incorporating by reference the material on the compact discs and the files contained on the compact discs is also required. See 37 C.F.R. §§ 1.52(e), 1.77(b)(4) and 1.823(a)(2).

After this decision is mailed, the application will be returned to the Office of Initial Patent Examination (OIPE).

Any response to this decision should be mailed to:

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The instant application will be retained by OIPE for a period of TWO MONTHS from the date of the instant Decision to await any response thereto.



Karin Tyson  
Senior Legal Advisor  
Office Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy